TAY KIAR KIAR AND ANOR. v. REX.

[App. Crim. Juris. (Murray-Aynsley, C.J.) June 21, 1950]

[Singapore — Magistrate's Appeal No. 76 of 1950]

Women and Girls Protection Ordinance (Cap. 33), s. 8(b) — Allowing premises to be used as brothel — Rooms in premises sublet to prostitutes who used them for purposes of their trade.

In this case the appellants appealed against their conviction on a charge of allowing certain premises to be used as a brothel. The appellants were tenants of the premises but had sublet rooms in the premises to prostitutes who used them for the purposes of their trade, each using her own room. There was no evidence that any of them allowed anyone else to use her room for the purpose of prostitution.

Held, following the case of Siviour v. Napolitano (1) that as there was a subletting, the appellants could not be found guilty of allowing the premises to be used as a brothel and therefore the conviction must be set aside.

Case referred to:—

(1) *Siviour v. Napolitano* (1931) 1 K.B. 636.

MAGISTRATE'S APPEAL.

Philip Hoalim for the appellants.

A. V. Winslow (D .P. P.) for the Crown.

Murray-Aynsley, C. J. : —In this case the appellants were charged as tenants in allowing certain premises to be used as brothel. The facts were that rooms were sublet on a monthly basis to prostitutes who used them for the purposes of their trade, each using her own room, and there is no evidence that any of them allowed any one else to use her room for the purpose.

The charge was under section 8(b) of Cap. 33. This corresponds, with modifications, to section 13(2) of the English Act of 1885. Unfortunately the attention of the Magistrate was not called to the English case of *Siviour v. Napolitano*[1]. This case decided that a subletting took the case out of the sub-section. I follow that decision. I express no opinion as to whether a building let off in separate rooms, as in the present case, might or might not constitute a brothel within the definition of Cap. 33.

The appeal must be allowed and the conviction quashed.

Appeal allowed.